

1 STATE OF OKLAHOMA

2 1st Session of the 56th Legislature (2017)

3 HOUSE BILL 1934

By: Bennett (John)

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5
6 AS INTRODUCED

7 An Act relating to crimes and punishments; amending
8 21 O.S. 2011, Section 1289.23, as last amended by
9 Section 5, Chapter 210, O.S.L. 2016 (21 O.S. Supp.
10 2016, Section 1289.23), which relates to the Oklahoma
11 Firearms Act of 1971; authorizing Department of
12 Corrections personnel to carry firearms under certain
13 circumstances; and providing an effective date.

14 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

15 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1289.23, as
16 last amended by Section 5, Chapter 210, O.S.L. 2016 (21 O.S. Supp.
17 2016, Section 1289.23), is amended to read as follows:

18 Section 1289.23

19 CONCEALED FIREARM FOR OFF-DUTY POLICE OFFICER

20 A. Notwithstanding any provision of law to the contrary, a
21 full-time duly appointed peace officer or employee of the Department
22 of Corrections who is certified by the Council on Law Enforcement
23 Education and Training (CLEET), pursuant to the provisions of
24 Section 3311 of Title 70 of the Oklahoma Statutes, is hereby
authorized to carry a weapon approved by the employing agency

1 anywhere in the state of Oklahoma, both while on active duty and
2 during periods when the officer or employee of the Department of
3 Corrections is not on active duty as provided by the provisions of
4 subsection B of this section.

5 B. When a full-time duly appointed officer or employee of the
6 Department of Corrections carries an approved weapon, the officer or
7 employee shall be wearing the ~~law enforcement~~ uniform prescribed by
8 the employing agency or plainclothes. When not wearing the
9 prescribed ~~law enforcement~~ uniform, the officer or employee shall be
10 required:

11 1. To have the official peace officers badge, Department of
12 Corrections officers badge, Commission Card and CLEET Certification
13 Card on his or her person at all times when carrying a weapon
14 approved by the employing agency; and

15 2. To keep the approved weapon concealed or unconcealed at all
16 times, except when the weapon is used within the guidelines
17 established by the employing agency.

18 C. Nothing in this section shall be construed to alter or amend
19 the provisions of Section 1272.1 of this title or expand the duties,
20 authority or jurisdiction of any peace officer or employee of the
21 Department of Corrections.

22 D. A reserve peace officer or employee of the Department of
23 Corrections who has satisfactorily completed a basic police course
24 of not less than one hundred twenty (120) hours of accredited

1 instruction for reserve police officers and reserve deputies from
2 the Council on Law Enforcement Education and Training or a course of
3 study approved by CLEET may carry an approved weapon when such
4 officer or employee is off duty as provided by subsection E of this
5 section, provided:

6 1. The officer or employee has been granted written
7 authorization signed by the director of the employing agency; and

8 2. The employing agency shall maintain a current list of any
9 officers or employees of the Department of Corrections authorized to
10 carry an approved weapon while the officers or employees are off
11 duty, and shall provide a copy of such list to the Council on Law
12 Enforcement Education and Training. Any change to the list shall be
13 made in writing and mailed to the Council on Law Enforcement
14 Education and Training within five (5) days.

15 E. When an off-duty reserve peace officer or employee of the
16 Department of Corrections carries an approved weapon, the officer or
17 employee shall be wearing the law enforcement uniform prescribed by
18 the employing agency or when not wearing the prescribed law
19 enforcement uniform, the officer or employee shall be required:

20 1. To have his or her official peace officer's badge,
21 Department of Corrections officer's badge, Commission Card, CLEET
22 Certification Card; and

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24

1 2. To keep the approved weapon concealed or unconcealed at all
2 times, except when the weapon is used within the guidelines
3 established by the employing agency.

4 F. Nothing in subsection D of this section shall be construed
5 to alter or amend the provisions of Section 1750.2 of Title 59 of
6 the Oklahoma Statutes or expand the duties, jurisdiction or
7 authority of any reserve peace officer or employee of the Department
8 of Corrections.

9 G. Nothing in this section shall be construed to limit or
10 restrict any peace officer ~~or~~, reserve peace officer or employee of
11 the Department of Corrections from carrying a handgun, concealed or
12 unconcealed, as allowed by the Oklahoma Self-Defense Act after
13 issuance of a valid license. An off-duty, full-time peace officer
14 ~~or~~, reserve peace officer or employee of the Department of
15 Corrections shall be deemed to have elected to carry a handgun under
16 the authority of the Oklahoma Self-Defense Act when the officer or
17 employee:

18 1. Has been issued a valid handgun license and is carrying a
19 handgun not authorized by the employing agency; or

20 2. Is carrying a handgun in a manner or in a place not
21 specifically authorized for off-duty carry by the employing agency.

22 H. Any off-duty peace officer or employee of the Department of
23 Corrections who carries any weapon in violation of the provisions of
24 this section shall be deemed to be in violation of Section 1272 of

1 this title and may be prosecuted as provided by law for a violation
2 of that section.

3 I. On or after November 1, 2004, a reserve or full-time
4 commissioned peace officer or employee of the Department of
5 Corrections may apply to carry a weapon pursuant to the Oklahoma
6 Self-Defense Act as follows:

7 1. The officer or employee shall apply in writing to the
8 Council on Law Enforcement Education and Training (CLEET) stating
9 that the officer or employee desires to have a handgun license
10 pursuant to the Oklahoma Self-Defense Act and certifying that he or
11 she has no preclusions to having such handgun license. The officer
12 or employee shall submit with the application:

13 a. an official letter from his or her employing agency
14 confirming ~~the officer's~~ employment and status as a
15 full-time commissioned peace officer ~~or~~, an active
16 reserve peace officer or employee of the Department of
17 Corrections,

18 b. a fee of Twenty-five Dollars (\$25.00) for the handgun
19 license, and

20 c. two passport-size photographs of the ~~peace officer~~
21 applicant;

22 2. Upon receiving the required information, CLEET shall
23 determine whether the peace officer or employee of the Department of
24 Corrections is in good standing, has CLEET certification and

1 training, and is otherwise eligible for a handgun license. Upon
2 verification of the ~~officer's~~ eligibility of the officer or
3 employee, CLEET shall send the information to the Oklahoma State
4 Bureau of Investigation (OSBI) and OSBI shall issue a handgun
5 license in the same or similar form as other handgun licenses. All
6 other requirements in Section 1290.12 of this title concerning
7 application for a handgun license shall be waived for active duty
8 peace officers or employees of the Department of Corrections except
9 as provided in this subsection including, but not limited to,
10 training, fingerprints and criminal history records checks unless
11 the officer or employee does not have fingerprints on file or a
12 criminal history records background check conducted prior to
13 employment as a peace officer or employee of the Department of
14 Corrections. The OSBI shall not be required to conduct any further
15 investigation into the eligibility of the ~~peace officer~~ applicant
16 and shall not deny a handgun license except when preclusions are
17 found to exist;

18 3. The term of the handgun license for an active duty reserve
19 or full-time commissioned peace officer or employee of the
20 Department of Corrections pursuant to this section shall be as
21 provided in Section 1290.5 of this title, renewable in the same
22 manner provided in this subsection for an original application by a
23 peace officer or employee of the Department of Corrections. The
24 handgun license shall be valid when the peace officer or employee of

1 the Department of Corrections is in possession of a valid driver
2 license and law enforcement commission card or identification card
3 for the Department of Corrections;

4 4. If the commission card of a law enforcement officer is
5 terminated, revoked or suspended, the handgun license shall be
6 immediately returned to CLEET. When a peace officer or employee of
7 the Department of Corrections in possession of a handgun license
8 pursuant to this subsection changes employment, the person must
9 notify CLEET within ninety (90) days and send a new letter verifying
10 employment and status as a full-time commissioned or reserve peace
11 officer or employee of the Department of Corrections;

12 5. There shall be no refund of any fee for any unexpired term
13 of any handgun license that is suspended, revoked or voluntarily
14 returned to CLEET, or that is denied, suspended or revoked by the
15 OSBI;

16 6. CLEET may promulgate any rules, forms or procedures
17 necessary to implement the provisions of this section; and

18 7. Nothing in this subsection shall be construed to change or
19 amend the application process, eligibility, effective date or fees
20 of any handgun license pending issuance on November 1, 2004, or
21 previously issued to any peace officer prior to November 1, 2004.

22 SECTION 2. This act shall become effective November 1, 2017.

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24 56-1-6339 GRS 12/30/16